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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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09/916,881

07/27/2001

Scot D. Wilce

17209-339

8938

54205 7590 01/27/2010
CHADBOURNE & PARKE LLP
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

LIVERSEDGE, JENNIFER L

ART UNIT

PAPER NUMBER

3684

MAIL DATE

DELIVERY MODE

01/27/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|---|---------------------|--------------|--|
| Advisory Action Before the Filing of an Appeal Brief | Application No. | Applicant(s) | |
| | 09/916,881 | WILCE ET AL. | |
| | Examiner | Art Unit | |
| | JENNIFER LIVERSEDGE | 3684 | |

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 11 January 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/Jennifer Liversedge/
Examiner, Art Unit 3684

Continuation of 11. does NOT place the application in condition for allowance because: Applicant has argued that examiner's citation of Selleck constitutes an omnibus rejection that fails to fully and clearly state the ground of rejection and discuss how Selleck allegedly renders the claimed elements obvious with particularity. Applicant has requested explicit clarification regarding Selleck's relevance to the claimed elements with particularity. As detailed in the rejection, Axelrad discloses determining an agreement type based on a product type and determining an agreement term between a party and a counterparty. Selleck discloses a plurality product types with a plurality of transaction instruments associated with product types. And Adam discloses a covered products matrix containing a particular product type, transaction instruments and additional party/counter-party agreement information. Accordingly, the combination teaches the claim limitations as presented. With regards to Selleck per the arguments, the portions cited in the Office Action were not meant to represent an omnibus rejection citing vast general portions of the reference. Rather, each of the cited portions teach the particular limitation for which Selleck was relied upon, namely a plurality of product types with a plurality of transaction instruments associated with the product types. On page 28-29 of the Specification of the instant application, product types are described as stock, equity, index, bond, credit derivative, commodity, metal, energy and agricultural products, etc. Transaction instruments are described as swap, buy, sell, options, call, put instruments, etc. Likewise, Selleck in each of the portions listed, described a plurality of such products and associated plurality of transaction instruments. In combining Axelrad and Selleck, examiner contends that It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the determining of an agreement based on a variety of fund documents associated with and organized by a plurality of equity funds based on fund firm, fund family and specific funds as disclosed by Axelrad to adapt the use of a plurality of product types with associated plurality of transaction instruments as disclosed by Selleck. The motivation would have been that the same document determination and selection process would have been used for determining the documents to be used when selected from amongst a plurality of equity firms, fund families, and specific funds as for a variety of products such as commodities products, stocks products, index products, etc. Likewise, with respect to the presentation in a matrix, Adam was relied upon. Examiner contends it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the document determination and selection process based on a plurality of products and transaction instruments as disclosed by the combination of Axelrad and Selleck to organize such data in a matrix as disclosed by Adam. The motivation would have been that storing data in a matrix provides for efficient computational analysis and automated decision making where data is logically, relationally and systematically stored in conventional matrix format.